

Remarks

Applicant thanks the Examiner for the teleconference of today and makes no amendments to the claims. With regard to a fee for an extension of time, while the Applicant has submitted the fee for a one month extension, Applicant notes that the Supervising Examiner has, on a number of occasions from (December '06-February '07), stated to Applicant's counsel that a new Official Action will be issued to replace the defective 12/1/06 Official Action. However, the Supervising Examiner telephoned Applicant's counsel today (3/6/07) requesting a Response now be filed to the 12/1/06 Official Action but that an extension will not have to be paid by the Applicant.

Before addressing the Examiner's rejections, Applicant would like to respectfully point out to the Examiner the following. In response to the Official Action of 3/26/03, Applicant amended all of the claims to include the limitation "said money code containing no identification data related to a customer and being untraceable to said customer." The Examiner issued a Final Rejection on 9/24/03, which Applicant appealed and prevailed on in a Decision mailed 1/24/06. Since prevailing on appeal, Official Actions dated 6/30/06, 11/06/06 and 12/1/06 have been issued. However, Applicant has not amended the claims since the very first action three and a half years ago and was surprised to see some of the same references cited against the claims in this action that were cited in the original action issued on 3/26/03 (Linehan).

Applicant telephoned the Examiner to discuss the latest 12/1/06 Official Action. Essentially, Applicant's representative believed that the cited prior art, and particularly the portions of Kravitz cited by the Examiner, were so completely unrelated to the claimed invention, that Applicant could not even respond to the rejections in any meaningful way. Therefore, Applicant's representative thought it beneficial to discuss the rejections and the cited prior art with the Examiner so that, perhaps, some sense could be made out of the Examiner's rejections and arranged a telephone interview to discuss the Official Action.

The day before the interview, the Examiner left a message with Applicant's representative that she would be unable to attend the interview but that the Examiner's Supervisor would be able to handle the interview. Accordingly, Applicant called the Supervisor at the scheduled time who was unavailable. The Supervisor was very courteous when calling back but mentioned that he was not aware of the scheduled interview and was not prepared to discuss the case. Applicant further discussed the case with the Supervisor on a number of occasions spanning December '06 – February '07, who has reassigned the case, but as yet, Applicant has been unable to discuss the merits of the rejection in the 12/1/06 Official Action with anyone at the U.S. Patent Office.

Applicant is an individual. He has limited funds, some of which he has decided to spend on availing himself of the U.S. patent system. As the Examiner is likely aware, the costs associated with prosecuting a patent are extremely high, even in the best of circumstances. In the present case, Applicant has already been required to pay the costs associated with responding to **five** Office Actions, filing an Appeal (which, Applicant prevailed), and conducting numerous interviews. This is in addition to the normal costs associated with preparation and filing of a patent application, and ultimately, the costs associated with issuance. Since March 2003, Applicant has made no amendments to the claims in order to avoid any prior art. Moreover, after having responded to all of these Office Actions, after having filed an Appeal, and after having had interviews conducted (all of which has cost Applicant a tremendous amount of his personal funds), the Application is essentially where it was four years ago when responding to the first Office Action.

While Applicant is aware that there is currently a great reluctance among examiners in the art group to which the present application has been assigned to allow applications to issue as patents, Applicant respectfully appeals to the Examiner's sense of fairness and begs him to, if he cannot craft tenable rejections, please allow the present application to issue as a patent. Applicant has made a significant contribution to the art by inventing a new, useful and nonobvious payment system and method having several

significant advantages over known systems and methods, and has paid more than his fair share to the U.S. Patent and Trademark Office. He is entitled to reap the rewards of his inventive efforts and the small fortune he has spent on prosecution to date. He deserves a patent.

Turning now to the substance of the outstanding Office Action, the Examiner has rejected Claims 1 and 9 over U.S. Patent No. 6,029,150 ("Kravitz") in view of U.S. Patent No. 5,623,547 ("Jones et al."). Applicant respectfully disagrees with the Examiner's rejections.

Claim 1 requires among other limitations "a money code, said money code containing no identification data related to a customer and being untraceable to said customer", "software executing on said issuer computer for receiving said money code and a money amount from a customer, assigning an associated money value to said money code based on said money amount received from the customer, transmitting said money code and associated money value to said financial institution computer" and "software executing on said customer computer for transmitting an order and said money code to said merchant computer over said communications system."

Claim 9 requires among other limitations "a money code, said money code containing no identification data related to a customer and being untraceable to said customer", "software executing on said issuer computer for receiving a money amount from a customer, generating said money code" and "software executing on said customer computer for transmitting an order and said money code to said merchant computer over said communications system."

Claim 17 requires among other limitations "assigning an associated money value to a money code corresponding to a money amount surrendered to an issuer by a customer, said money code containing no identification data related to a customer and being untraceable to said customer, inputting said money code and associated money

value into said issuer computer” and “transmitting an order and said money code from a customer computer to said merchant computer over said communications system.”

Kravitz teach, disclose or suggest these limitations. For example, Kravitz teaches that “customers have accounts with an agent and where each customer shares a respective secret between that customer and the agent.” (Col. 7, Ins. 13-15; *see generally* Col. 7, Ins. 3-30.) In addition, Kravitz teaches that a “problem with payment systems that make an instantaneous payment to merchants is that if a fraudulent merchant is accepting many fraudulent transactions, he might not be detected until he had already received much money” and that the system of Kravitz provides “a payment system . . . with moderated anonymity and strong authentication, standards-based and open architecture and adaptability for anomaly detection for detection of fraud.” (Col. 6, In. 59 – col. 7, In. 6.) Therefore, while Kravitz may provide some level of anonymity for the purchaser with respect to a seller (however it is noted that when purchasing goods “the customer is prompted to enter the appropriate name and address” for the seller), nowhere does Kravitz teach that purchases are “untraceable to said customer” because the agent always knows who the customer is. (Col. 24, Ins. 64-67.) This is, in fact, the way Kravitz goes about addressing the problem identified with “instantaneous payment” systems like the presently claimed invention. Therefore, Kravitz directly rejects the limitation of providing a system that has “no identification data related to a customer and being untraceable to said customer” as required by claims 1, 9 and 17.

Applicant further respectfully submits that Jones et al. also fails to teach this limitation and the Examiner has not cited it as teaching this limitation.

While the Examiner has submitted that Kravitz teaches: “software executing on said issuer computer for receiving said money code and a money amount from a customer(cols. 1-5)”; “assigning an associated money value to said money code based on said money amount received from the customer(cols. 1-5)”; “transmitting said money code and associated money value to said financial institution computer over said com-

munications system(cols. 1-5)"; and "software executing on said financial institution computer for receiving said money code and associated money value transmitted by said issuer computer and storing said money code and associated money value(cols. 1-5)." Applicant has been unable to determine where in Kravitz these limitations are taught or suggested.

The Examiner has also submitted that "Kravitz does not disclose the exact term "money code". However, Jones et al. does teach a value transfer system which allows value to be transferred between electronic purses with a transaction code(money code) assigned to the money amount that uniquely identifies the transaction." (Official Action 12/1/06, p. 5.) Applicant submits that Jones et al. teaches away from the concept of a money code having an associated prepaid amount associated therewith that is anonymous. For example, Jones et al. discusses "prepayment cards" and states regarding such that "[s]uch prior systems are inflexible and are no general substitute for cash in low value high volume transactions." (Col. 1, Ins. 25-27.) In addition, Jones et al. directly teaches away from an anonymous system as it teaches dealing with multiple bank accounts that can be used to identify the customer. (See, Col. 1, Ins. 42-67.)

We further note a number of quotations from the Official Action 12/1/06 that show the cited references directly teach away from the limitations of claims 1, 9 and 17. The Examiner quotes U.S. Patent No. 6,327,578 ("Linehan") stating "(col. 4, lines 15-25, i.e. "customer's computer then sends over the internet network some consumer identity and authentication information." (Official Action 12/1/06, p. 6, Ins. 10-12) (emphasis added). Therefore, as the Examiner has cited, Linehan teaches away from the limitation that the transaction be untraceable to said customer. (See *also*, Official Action 12/1/06, p. 6, In. 16 – p. 7, In. 2 highlighting that the customer's credit or debit card is used, which identifies the customer.)

Applicant notes that while earlier in the Official Action 12/1/06 at p. 3, Ins. 7-9 the Examiner states that Kravitz teaches "a money code . . . untraceable to said customer",

the Examiner later submits that "Kravitz, Jones et al. and Linehan does not explicitly disclose(s) that . . . said money code containing no identification data related to a customer and being untraceable to said customer." The Examiner then states that U.S. Patent No. 5,913,203 (Wong et al.) teaches this limitation and that the "motivation to combine these references is to enable the selection of an anonymous, untraceable transaction to conduct transactions anonymously ensuring the consumer's identity remains confidential." (Official Action 12/1/06, p. 9.) However, Applicant note that this runs directly contrary to the teachings of Kravitz (requires agent to know the customer), Jones et al. (rejects pre-paid money card-type system in favor of multiple bank accounts where customer can be identified), and Linehan (where customer consumer identity and authentication information is required to be sent).

It is respectfully submitted that claims 1-19, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

March 7, 2007

/Gene S. Winter/
Gene S. Winter, Registration No. 28,352
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicants
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155